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SIXTY-FIRST LEGISLATURE

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 29, 2012**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Cameron and Pearce, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Joshua Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 28, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 29, 2012

The JUDICIARY AND RULES Committee reports that [S 1347](#), [S 1348](#), [S 1349](#), [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [S 1355](#), [S 1356](#), [S 1357](#), [SJM 104](#), [SCR 123](#), and [SCR 124](#) have been correctly printed.

DARRINGTON, Chairman

[S 1347](#), [S 1355](#), and [S 1356](#) were referred to the Transportation Committee.

[S 1348](#) and [S 1349](#) were referred to the State Affairs Committee.

[S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#) were referred to the Finance Committee.

[S 1357](#) was referred to the Local Government and Taxation Committee.

[SJM 104](#) and [SCR 123](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Goedde, granted by unanimous consent, [SCR 124](#) was referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 28, 2012

Dear Mr. President:

I transmit herewith [H 556](#), [H 494](#), [H 403](#), [H 514](#), [H 465](#), [H 492](#), [H 539](#), [HCR 34](#), [HCR 37](#), [HCR 38](#), [HCR 42](#), [HCR 43](#), and [HJM 8](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 556](#), [H 494](#), [H 403](#), [H 514](#), [H 465](#), [H 492](#), [H 539](#), [HCR 34](#), [HCR 37](#), [HCR 38](#), [HCR 42](#), [HCR 43](#), and [HJM 8](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Pearce was recorded present at this order of business.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of James C. Hammond was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bilyeu, the Gubernatorial appointment of James C. Hammond as a member of the State Building Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1358

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO BULLYING; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF THE SECTION TO ADDITIONAL BEHAVIOR, TO DEFINE A TERM, TO REVISE WHAT ACTION SHALL BE AN INFRACTION AND TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES REGARDING GOVERNANCE OF SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1208B, IDAHO CODE, TO PROVIDE CERTIFICATED PERSONNEL OBLIGATIONS FOR HARASSMENT, INTIMIDATION, BULLYING AND CYBERBULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT.

S 1359
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION BASIN FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1360
BY FINANCE COMMITTEE
AN ACT

RELATING TO APPROPRIATIONS TO THE ENDOWMENT FUND INVESTMENT BOARD; AMENDING SECTION 1, CHAPTER 146, LAWS OF 2011, TO ADJUST THE APPROPRIATION BETWEEN EXPENSE CLASSES AND FUNDS; AMENDING SECTION 4, CHAPTER 146, LAWS OF 2011, TO AMEND LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1361
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

[S 1358](#), [S 1359](#), [S 1360](#), and [S 1361](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 556](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 494](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 403](#) and [H 514](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 465](#) and [H 492](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 539](#), by Business Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 34](#), by Environment, Energy, and Technology Committee, was introduced, read at length, and referred to the State Affairs Committee.

[HCR 37](#) and [HCR 38](#), by Agricultural Affairs Committee, were introduced, read at length, and referred to the Agricultural Affairs Committee.

[HCR 42](#) and [HCR 43](#), by State Affairs Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

[HJM 8](#), by Education Committee, was introduced, read at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1344](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 574](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1275](#), [S 1332](#), and [S 1340](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1295](#) and [S 1326](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1331](#), by Finance Committee, was read the second time at length and filed for third reading.

[S 1304](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[S 1346](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 419](#), [H 466](#), [H 467](#), and [H 468](#), by Business Committee, were read the second time at length and filed for third reading.

[H 498](#), by Education Committee, was read the second time at length and filed for third reading.

[H 482](#), by Local Government Committee, was read the second time at length and filed for third reading.

[S 1231](#), as amended, and [S 1317](#), as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

[S 1255](#), as amended, as amended, and [S 1294](#), as amended, by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1323](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

[H 389](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder.
Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 389](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Third Reading Calendar was reordered placing **S 1231**, as amended, **S 1317**, as amended, **S 1255**, as amended, as amended, **S 1294**, as amended, and **S 1323**, as amended at the head of the calendar, followed by remaining Senate bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 10:35 a.m. until the hour of 10 a.m., Thursday, March 1, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary